

Remarks/Arguments:

Claim Status

Claims 1-6 and 9-27 are pending.

Claim Rejection Under 35 U.S.C. 103(a):

Claims 1-6, 9-11, 14-16 and 18-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Woods (U.S. Patent No. 6,609,032) in view of Daignault (U.S. Patent No. 6,748,276). Applicants respectfully traverse the rejection of these claims and respectfully submit that these claims are patentable over Woods and Daignault because neither reference discloses the following features of claim 1:

"wherein the apparatus is operable in a mode in which the activation zone configuration of the array of stimulator elements is selected independently of the user and the user uses the interface device to identify the activation configuration as perceived by the user by selecting respective independent input zones of said user interface device."

Woods discloses a neural stimulation system including a device for programming an implantable electrode array. Using the device, the patient first selects where pain is generally felt (see FIG. 12A). The device activates the proper implanted electrodes in the area of the patient's body where the pain is felt. The patient then manipulates location arrow buttons (see FIG. 12D) to activate the appropriate electrodes in order to "zero in on an optimal pain coverage location." The patient then confirms where the stimulation is felt on a computer screen (see FIG. 12G).

Woods teaches away from the step of selecting an activation zone configuration independently of the user. Woods states the following at column 7, lines 19-31:

"It is an **object of the invention to eliminate the need for either a clinician to manually select electrode combinations, or even for a computer to select electrode combinations that must be discretely tested for patient feedback**. That is, based on the feedback as to the amount of coverage, an educated guess for another combination must be made (by clinician or computer) and the patient must then discretely respond to that combination before another combination is set up and turned on. Such discrete testing with patient feedback is very tedious and time consuming. Advantageously, by practicing the present invention, discrete selection and **patient feedback of location and amount of paresthesia coverage (either to the clinician or to a computer)** is avoided."

Because it is an object of Wood's invention to eliminate the need for a clinician or a computer to select electrode combinations independently of the user, Woods neural stimulation system does not include the aforementioned feature of claim 1. Daignault does not overcome the deficiencies of Woods because, like Woods, Daignault teaches that the user activates the electrodes. Specifically, according to Daignault:

the user actuates a user control of the transmitter 102 (e.g., the user controls 58 or 60) to access a program selection mode (indicated by a "P" in the lower left-hand corner of the display 50). Upon actuation of the user control 62, controls 58 and 60 are then used to scroll through the possible stored programs (FIGS. 7A-7D). Selection of any one program is effected through actuation of the user control 62. Of note, the illustrated graphics of the regions 28 of FIGS. 7A-7D reflect the different stimulation option available. (See column 7, lines 38-55)

Furthermore, Daignault does not disclose the steps of "identify[ing] the activation configuration as perceived by the user by selecting respective independent input zones," as recited in claim 1. Daignault merely offers a graphical interface for visualizing an activation configuration (see column 6, lines 62-66).

Accordingly, because claim 1 includes features that are neither disclosed nor suggested by the cited references, *prima facie* obviousness cannot be established based on those references. Additionally, independent claims 23 and 27 recite features that are similar to those recited in claim 1, thus, the foregoing arguments also apply to claims 23 and 27. Claims 6, 9-11, 14-16 and 18-22 are dependent upon claim 1 and claims 24-26 are dependent upon claim 23. Those dependent claims should also be allowed at least as being dependent upon an allowable base claim. Reconsideration of claims 6, 9-11, 14-16 and 18-27 is respectfully requested.

Claims 12, 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Woods (US Patent No. 6,609,032) in view of Daignault (US Patent No. 6,748,276) and further in view of Brannon (US Patent No. 6,193,678). Applicants respectfully traverse the rejection of these claims and respectfully submit that these claims are patentable over Woods, Daignault and Brannon. Brannon fails to overcome the foregoing deficiencies of Woods and Daignault because Brannon does not disclose that the massaging system is "operable in a mode in which the activation zone configuration of the array of stimulator elements is selected independently of the user." Brannon teaches a "mechanism for allowing a user to position vibrating and heating units onto the body at user selected locations" (see column 1, lines 46-

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54). Reconsideration of claims 12, 13 and 17 is requested.

Conclusion

In view of the remarks set forth above, Applicants respectfully submit that this application is in condition for allowance, which action is respectfully requested. If the Examiner believes an interview will advance the prosecution of this application, it is respectfully requested that the Examiner contact the undersigned to arrange the same.

Respectfully submitted,



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